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\*E-FILED 3/17/06\*

7 Attorneys for Plaintiff  
8 GRANITE ROCK COMPANY

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 GRANITE ROCK COMPANY,

14 Plaintiff,

15 v.

16 INTERNATIONAL BROTHERHOOD  
17 OF TEAMSTERS, FREIGHT,  
CONSTRUCTION, GENERAL  
DRIVERS, WAREHOUSEMEN AND  
HELPERS, LOCAL 287;  
18 INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS,

19 Defendants.

20 Case No. C 04 2767 JW

21 **STIPULATION AND [PROPOSED] ORDER**  
**WITHDRAWING PLAINTIFF GRANITE**  
**ROCK'S MOTION TO COMPEL**  
**ENFORCEMENT OF THE SUBPOENA OF**  
**ROME ALOISE'S EXPENSE REPORTS**  
**WITHOUT PREJUDICE TO PLAINTIFF'S**  
**RIGHT TO RE-FILE SUCH MOTION**

22 [Civil L.R. 7-7, 7-12]

23 Date: March 29, 2006  
Time: 9:30 a.m.  
Place: Courtroom 4, 5<sup>th</sup> Floor  
Judge: Hon. Richard Seeborg  
Trial Date: April 11, 2006

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24 CASE NO. C 04-2767 JW

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28 STIPULATION RE WITHDRAWAL OF MOTION TO COMPEL ENFORCEMENT OF ALOISE SUBPOENA

1                   On March 10, 2006, Plaintiff Granite Rock Company ("Granite Rock") filed a motion  
 2 to compel enforcement of a subpoena for Rome Aloise's expense reports. Pursuant to a motion to  
 3 shorten time, the Court scheduled the hearing on this motion for March 29, 2006.

4                   Subsequently, on March 14, 2006, the Court granted Defendant International  
 5 Brotherhood of Teamsters' motion to vacate the April 11, 2006 trial date and all pretrial deadlines in  
 6 this case and to stay discovery that could have been pursued in a timely manner as of March 7, 2006.

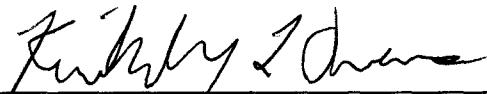
7                   After this order was issued, counsel for Defendant International Brotherhood of  
 8 Teamsters ("IBT") requested Plaintiff Granite Rock to take all pending discovery motions off  
 9 calendar. Plaintiff Granite Rock informed IBT that Plaintiff did not believe the stay applied to the  
 10 discovery motions, but stated it would take the motion to compel enforcement of the Aloise  
 11 subpoena off calendar as a courtesy to IBT. Defendant IBT agreed that Plaintiff Granite Rock could  
 12 withdraw the Aloise motion without prejudice to re-filing the motion, if necessary, after the  
 13 discovery stay is lifted. Duane Beeson, counsel for Defendant Teamsters Local 287, also agreed that  
 14 Granite Rock could withdraw the motion to compel without prejudice to re-filing the motion.

15                  Accordingly, the parties HEREBY AGREE AND STIPULATE that Plaintiff Granite  
 16 Rock's Motion to Compel Enforcement of the Subpoena of Rome Aloise's Expense Reports is  
 17 withdrawn without prejudice to Granite Rock's right to re-file such motion after the stay of  
 18 discovery is lifted. Such motion shall be taken off calendar and will not be heard by Magistrate  
 19 Judge Seeborg on March 29, 2006. The parties respectfully request the Court to so order.

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1 IT IS SO STIPULATED.

2 Dated: March 17, 2006

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5 KIMBERLY L. OWENS  
6 LITTLER MENDELSON  
A Professional Corporation  
7 Attorneys for Plaintiff  
GRANITE ROCK COMPANY

8 Dated: March \_\_\_\_\_, 2006

9  
10 DUANE B. BEESON  
11 BEESON, TAYER & BODINE  
12 Attorneys for Defendant  
TEAMSTERS LOCAL 287

13 Dated: March \_\_\_\_\_, 2006

14  
15 REBEKAH B. EVENSON  
16 ALTSCHULER, BERZON, NUSSBAUM,  
17 RUBIN & DEMAIN  
18 Attorneys for Defendant  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20  
21 Dated: March \_\_\_\_\_, 2006

22 THE HONORABLE RICHARD SEEBOORG  
23 United States District Magistrate Judge

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25 Firmwide:80911730.1 001511.1075

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28

1 IT IS SO STIPULATED.

2 Dated: March \_\_\_\_\_, 2006

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KIMBERLY L. OWENS  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Plaintiff  
GRANITE ROCK COMPANY

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Dated: March 17, 2006

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*Duane B. Beeson*  
DUANE B. BEESON  
BEESON, TAYER & BODINE  
Attorneys for Defendant  
TEAMSTERS LOCAL 287

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REBEKAH B. EVENSON  
ALTSCHULER, BERZON, NUSSBAUM,  
RUBIN & DEMAIN  
Attorneys for Defendant  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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THE HONORABLE RICHARD SEEBORG  
United States District Magistrate Judge

Firmwide:80911730.1 001511.1075

1 IT IS SO STIPULATED.

2 Dated: March       , 2006

3

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GRANITE ROCK COMPANY

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TEAMSTERS LOCAL 287

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Attorneys for Defendant  
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THE HONORABLE RICHARD SEEBORG  
United States District Magistrate Judge

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